

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of

Distribution of the 2011
Satellite Royalty Funds

Docket No. 2012-10 CRB SD 2011

ORDER GRANTING PHASE I CLAIMANTS' MOTION
FOR PARTIAL DISTRIBUTION OF 2011 SATELLITE ROYALTY FUNDS

On January 18, 2013, the Copyright Royalty Judges ("Judges") published in the **Federal Register** a Notice¹ soliciting comments on a December 12, 2012, Motion of Phase I Claimants for Partial Distribution of the 2011 satellite royalty funds ("Motion") under section 801(b)(3)(C) of the Copyright Act. The claimants seek a partial distribution of 50 percent of those funds.² In particular, the notice solicited comments on whether there are reasonable objections to the requested distribution. The notice also solicited comments on whether there would be any Phase I or Phase II controversies with respect to the remaining funds if the motion were granted.

¹ 78 FR 4169. The Phase I Claimants are the Program Suppliers, Joint Sports Claimants, Broadcaster Claimants Group, Music Claimants (American Society of Composers, Authors and Publishers, Broadcast Music, Inc., and SESAC, Inc.), and Devotional Claimants.

² In support of their Motion, the Phase I Claimants assert that all of the preconditions of section 801(b)(3)(C) of the Copyright Act have been or will be satisfied prior to distribution.

That section provides that:

[T]he [J]udges, at any time after the filing of claims under section 111, 119, or 1007, may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the [Judges] conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—

- (i) agree to the partial distribution;
- (ii) sign an agreement obligating them to return any excess amounts to the extent necessary to comply with the final determination on the distribution of the fees made under subparagraph (B);
- (iii) file the agreement with the Copyright Royalty Judges; and
- (iv) agree that such funds are available for distribution.

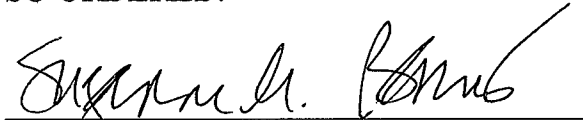
In response to the notice the Judges received joint comments from the Phase I Claimants and ASCAP and BMI and individual comments from Broadcaster Claimants Group, Devotional Claimants, Joint Sports Claimants, Program Suppliers, Word of God Fellowship, Inc. (dba Daystar Television Network) and Worldwide Subsidy Group LLC (dba Independent Producers Group). No commenter stated a reasonable objection to the proposed distribution, although controversies exist with respect to the 2011 satellite royalties.

Therefore, the Motion is **GRANTED**.

Wherefore, **THE JUDGES ORDER** that 50% of 2011 satellite royalties shall be distributed to a designated representative of the Office of the Commissioner of Baseball who will serve as the common agent for the distribution of royalties among the Phase I claimants, as set forth in the Motion.

The Copyright Office shall make such a distribution **PROVIDED THAT** each of the claimants receiving a share of these funds provides to the Copyright Office a signed agreement prepared by the Copyright Royalty Board stating that the recipients shall repay to the Copyright Office any overpayment that results from the distribution of these funds together with interest according to the amount that would have accrued if the principal had remained in the fund. In addition, all pertinent information to effect the transfer of funds must be provided to the Licensing Division of the Copyright Office no later than April 18, 2013. The distribution shall take place on or after April 25, 2013.

SO ORDERED.



Suzanne M. Barnett
Chief, U.S. Copyright Royalty Judge

DATED: March 13, 2013

2012-10

CONCLUSION

For the reasons set forth above, the Phase I Parties respectfully request that the Judges, pursuant to 17 U.S.C. § 801(b)(3)(C), publish for comment in the *Federal Register* the proposed partial distribution of 50% of the satellite royalties held in the 2011 Funds, and thereafter, grant the Motion and order a 50% partial distribution of the 2011 Funds to the specified common agent by no later than March 15, 2013.

Respectfully submitted,

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Dated: December 12, 2012

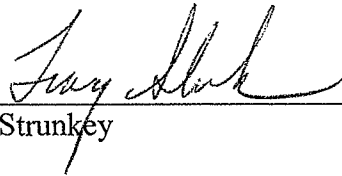
CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of December 2012, a copy of the foregoing Motion of Phase I Claimants for Partial Distribution of the 2011 Satellite Royalty Funds was sent by Federal Express to the individuals listed below:

Brian D. Boydston
Pick & Boydston LLP
10786 Le Conte Avenue
Los Angeles, CA 90024

Gregory H. Guillot, PC
13455 Noel Road
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Dallas, TX 75240 USA

7 mail



Troy Strunkey

Gregory Guillot, PC
13455 Noel Road, Suite 1000
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Keys, LaKeshia

From: Keys, LaKeshia
Sent: Wednesday, March 13, 2013 5:31 PM
Subject: 2012-10 CRB SD 2011 Order
Attachments: 3-13-13 Order Granting Phase I Claimant Motion for Partial Distribution 2011 SRF.pdf

Attached please find the 2012-10 CRB SD 2011 Order Granting Phase I Claimants' Motion for Partial Distribution of 2011 Satellite Royalty Funds.

Please reply as confirmation that you received this email.

**Thanks,
Copyright Royalty Board**

Keys, LaKeshia

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Suzanne Barnett (Chief Judge)

William J Roberts

Subject: 2012-10 CRB SD 2011 Order

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To: Ann Mace; Brian Boydston; clifford harrington; Dimona, Joseph; George Grange II; Gregory Olaniran; James Wood; Jenneifer Burdman; Joan McGivern; John Beiter; Jonathan McCants; Liu, Kenneth; Lucy Holmes Plovnick; Lutzker, Arnie; Michael Remington; Robert Garrett; Samuel Mosenkis; Stephen Marsh; Stewart, John; ted@copyrightroyalties.com; W. Thad adams; W.Thad Adams
Sent: Wednesday, March 13, 2013 5:31 PM
Subject: Relayed: 2012-10 CRB SD 2011 Order

Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:

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[Lutzker, Arnie](#)

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[Stewart, John](#)

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W. Thad adams

W.Thad Adams

Subject: 2012-10 CRB SD 2011 Order

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From: Microsoft Exchange
To: Gina Giuffreda; crb (crb@loc.gov); LaKeshia D. Keys; Richard C. Strasser
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LaKeshia D. Keys

Richard C. Strasser

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From: Plovnick, Lucy [lhp@msk.com]
Sent: Wednesday, March 13, 2013 5:33 PM
To: crb
Cc: Olaniran, Greg
Subject: RE: 2012-10 CRB SD 2011 Order

Program Suppliers confirm receipt of the order.

Lucy Holmes Plovnick | Partner | Mitchell Silberberg & Knupp LLP | 1818 N Street NW, 8th Floor, Washington, DC 20036 | direct: 202.355.7918 | fax: 202.355.7888 | lhp@msk.com | www.msk.com

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Keys, LaKeshia

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Thanks, LaKeisha. This confirms receipt.

John Stewart

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received

>>> "Keys, LaKeshia" <lkey@loc.gov> 3/13/2013 5:30 PM >>>

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Brian Boydston

-----Original Message-----

From: "Keys, LaKeshia"
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To:
Subject: 2012-10 CRB SD 2011 Order

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To: crb
Subject: Re: 2012-10 CRB SD 2011 Order

I received the Order. Thanks.
Arnie Lutzker

Sent from my iPhone

On Mar 14, 2013, at 8:30 AM, "Keys, LaKeshia" <lkey@loc.gov> wrote:

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<3-13-13 Order Granting Phase I Claimant Motion for Partial Distribution 2011 SRF.pdf>

Keys, LaKeshia

From: Marsh, Stephen K. [Stephen.Marsh@aporter.com]
Sent: Thursday, March 14, 2013 1:57 PM
To: crb
Subject: RE: 2012-10 CRB SD 2011 Order

From: Keys, LaKeshia [mailto:lkey@loc.gov]
Sent: Wednesday, March 13, 2013 5:31 PM
Subject: 2012-10 CRB SD 2011 Order

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